

# HOUSE . . . . . No. 4814

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Substituted, on motion of Mr. Pedone of Worcester, for a bill with the same title (House, No. 4324). June 24, 2010.

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## The Commonwealth of Massachusetts

In the Year Two Thousand and Ten

An Act relative to the pooling of tips.

*Whereas*, The deferred operation of this act would tend to defeat its purpose, which is to protect forthwith employees' additional compensation while performing their duties, therefore it is hereby declared to be an emergency law, necessary for the immediate preservation of the public convenience.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1    SECTION 1. Section 152A of chapter 149 of the General Laws, as appearing in the 2008 Official  
2    Edition, is hereby amended by inserting after the word 'responsibility', in line 8, the following words:- ;  
3    provided, however, that a shift supervisor in a quick service restaurant whose only managerial  
4    responsibilities include: (i) providing on-the-job training for regular wait staff as to an employer's policies  
5    and procedures; or (ii) assigning employees to their posts; and (iii) has no authority to hire or fire  
6    employees, shall qualify as a wait staff employee for purposes of this section .

7    SECTION 2. Said section 152A of said chapter 149, as so appearing, is hereby further amended by  
8    inserting after the definition 'Patron' the following definition:-

9    "Quick service restaurant", an establishment selling food or beverages where products are served to  
10   patrons primarily over a sales counter or a drive up window sales point, where there is minimal or no  
11   service to patrons seated at tables, and where all employees are paid at least the minimum required hourly  
12   wage for non-service employees.